

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 criminal justice.
- 4 Page 1, line 1, after "IC 5-2-6-3.5" insert ", AS AMENDED BY
- 5 HEA 1288-2005, SECTION 72,".
- 6 Page 1, line 14, delete "IC 20-1-6-1)." and insert "IC 20-18-2-16).".
- 7 Page 1, line 15, delete "IC 20-10.1-1-3)." and insert
- 8 "IC 20-18-2-12).".
- 9 Page 2, after line 34, begin a new paragraph and insert:
- 10 "SECTION 2. IC 5-2-6-14 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The victim and
- 12 witness assistance fund is established. The institute shall administer the
- 13 fund. Except as provided in subsection (e), expenditures from the fund
- 14 may be made only in accordance with appropriations made by the
- 15 general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

(1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;

(2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or

(3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

(1) pay the costs of administering the fund, including expenditures for personnel and data;

(2) establish and maintain the sex and violent offender directory under IC 5-2-12; ~~and~~

(3) provide training for persons to assist victims; **and**

(4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

SECTION 3. IC 5-2-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Subject to section 13 of this chapter, the following persons must register under this chapter:

(1) An offender who resides in Indiana. An offender resides in Indiana if either of the following applies:

(A) The offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The offender owns real property in Indiana and returns to Indiana at any time.

1 (2) An offender not described in subdivision (1) who works or
2 carries on a vocation or intends to work or carry on a vocation full
3 time or part time for a period of time:

4 (A) exceeding fourteen (14) consecutive days; or

5 (B) for an aggregate period of time exceeding thirty (30) days;
6 during any calendar year in Indiana, whether the offender is
7 financially compensated, volunteered, or is acting for the purpose
8 of government or educational benefit.

9 (3) An offender not described in subdivision (1) who is enrolled
10 or intends to be enrolled on a full-time or part-time basis in any
11 public or private educational institution, including any secondary
12 school, trade, or professional institution, or institution of higher
13 education in Indiana.

14 (b) Except as provided in subsection (e), an offender who resides in
15 Indiana shall register with the sheriff of the county where the offender
16 resides. If an offender resides in more than one (1) county, the offender
17 shall register with the sheriff of each county in which the offender
18 resides. However, if an offender resides in a county having a
19 consolidated city, the offender shall register with the police chief of the
20 consolidated city.

21 (c) An offender described in subsection (a)(2) shall register with the
22 sheriff of the county where the offender is or intends to be employed or
23 carry on a vocation. However, an offender described in subsection
24 (a)(2) who is employed or intends to be employed or to carry on a
25 vocation in a consolidated city shall register with the police chief of the
26 consolidated city. If an offender is or intends to be employed or carry
27 on a vocation in more than one (1) county, the offender shall register
28 with the sheriff of each county. However, if an offender is employed or
29 intends to be employed or to carry on a vocation in a county containing
30 a consolidated city and another county, the offender shall register with
31 the police chief of the consolidated city and the sheriff of the other
32 county.

33 (d) An offender described in subsection (a)(3) shall register with the
34 sheriff of the county where the offender is enrolled or intends to be
35 enrolled as a student. However, if an offender described in subsection
36 (a)(3) is enrolled or intends to be enrolled as a student in a county
37 containing a consolidated city, the offender shall register with the
38 police chief of the consolidated city.

(e) An offender described in subsection (a)(1)(B) shall register with the sheriff in the county in which the real property is located. However, if the offender owns real property in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.

(f) An offender shall complete a registration form. Each sheriff or police chief of a consolidated city shall make the registration forms available to registrants.

(g) The offender shall register not more than seven (7) days after the offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the offender is required to register under subsection (b), (c), or (d);

whichever occurs first.

(h) Whenever an offender registers with a sheriff or the police chief of a consolidated city, the sheriff or police chief shall immediately notify the institute of the offender's registration by forwarding a copy of the registration form to the institute.

(i) The sheriff with whom an offender registers under this section shall make and publish a photograph of an offender on the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The police chief of a consolidated city with whom an offender registers under this section shall make a photograph of the offender that complies with the requirements of IC 36-2-13-5.5 and transmit the photograph (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. Every time a sex offender submits a new registration form to the police chief of a consolidated city, but at least once per year, the police chief shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5. The police chief of a consolidated city shall transmit the photograph and a

copy of the registration form to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriff's sex offender registry web site established under IC 36-2-13-5.5.

(j) When an offender completes a new registration form, the sheriff or police chief of a consolidated city shall:

(1) forward a copy of the new registration form to the:

(A) institute; and

(B) department of correction if the department has established an automated victim notification system under IC 11-8-7; and

(2) notify every law enforcement agency having jurisdiction in the area where the offender resides.

SECTION 4. IC 11-8-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 7. Victim Notification Services

Sec. 1. As used in the chapter, "registered crime victim" refers to a crime victim who registers to receive victim notification services under section 2(a)(4) of this chapter if the department establishes an automated victim notification system under this chapter.

Sec. 2. (a) The department may establish an automated victim notification system that must do the following:

(1) Automatically notify a registered crime victim when a committed offender who committed the crime against the victim:

(A) is assigned to a:

(i) department facility; or

(ii) county jail or any other facility not operated by the

- 1 department;
 2 (B) is transferred to a:
 3 (i) department facility; or
 4 (ii) county jail or any other facility not operated by the
 5 department;
 6 (C) is given a different security classification;
 7 (D) is released on temporary leave;
 8 (E) is discharged; or
 9 (F) has escaped.
- 10 (2) Allow a registered crime victim to receive the most recent
 11 status report for an offender by calling the automated victim
 12 notification system on a toll free telephone number.
- 13 (3) Notify a registered crime victim concerning a change in the
 14 status of:
 15 (A) a criminal appeal;
 16 (B) a writ of habeas corpus proceeding;
 17 (C) an appeal from the granting of a petition for
 18 postconviction relief; or
 19 (D) a postconviction proceeding in a capital case;
 20 concerning the committed offender who committed the crime
 21 against the registered crime victim.
- 22 (4) Allow a crime victim to register or update the victim's
 23 registration for the automated victim notification system by
 24 calling a toll free telephone number.
- 25 (b) For purposes of subsection (a), if the department establishes
 26 an automated victim notification system, a sheriff responsible for
 27 the operation of a county jail shall immediately notify the
 28 department if a committed offender:
 29 (1) is transferred to another county jail or another facility not
 30 operated by the department of correction;
 31 (2) is released on temporary leave;
 32 (3) is discharged; or
 33 (4) has escaped.
- 34 Sheriffs and other law enforcement officers and prosecuting
 35 attorneys shall cooperate with the department in establishing and
 36 maintaining an automated victim notification system.
- 37 (c) An automated victim notification system may transmit
 38 information to a person by:

- 1 (1) telephone;
- 2 (2) electronic mail; or
- 3 (3) another method as determined by the department.

4 **Sec. 3. (a) The department must ensure that the offender**
 5 **information contained in an automated victim notification system**
 6 **is updated frequently enough to timely notify a registered crime**
 7 **victim that an offender has:**

- 8 (1) been released;
- 9 (2) been discharged; or
- 10 (3) escaped.

11 **(b) The failure of an automated victim notification system to**
 12 **provide notice to the victim does not establish a separate cause of**
 13 **action by the victim against:**

- 14 (1) the state; or
- 15 (2) the department.

16 **Sec. 4. If the department establishes an automated victim**
 17 **notification system under this chapter, the department, in**
 18 **cooperation with the Indiana criminal justice institute:**

- 19 (1) may use money in the victim and witness assistance fund
- 20 under IC 5-2-6-14(e); and
- 21 (2) shall seek:
- 22 (A) federal grants; and
- 23 (B) other funding.

24 **Sec. 5. The department may adopt rules under IC 4-22-2 to**
 25 **implement this chapter."**

(Reference is to SB 230 as printed January 20, 2005.)

and when so amended that said bill do pass.

Representative Ulmer